THE HON'BLE MR JUSTICE N.V.RAMANA

WRIT PETITION No.27521 of 2005

Dated: 27-07-2006

Between:

N. Sankara Parvathi

…Petitioner(s)

a n d

A.P. Women's Cooperative Finance Corporation rep. by its Managing Director, Ameerpet, Hyderabad and another

…Respondent(s)

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.27521 of 2005

ORDER:

This writ petition is filed seeking a writ of mandamus directing the respondents to regularize her services in accordance with the approved cadre strength of the first respondent-Corporation against the sanctioned posts in the last grade according to the seniority.

The case of the petitioner is that as an inmate of the State Home for Women, Hyderabad, she underwent training in Thermometer Unit and rehabilitated as Glass Blower in Scientific Apparatus unit run by the first respondent-Corporation which is a Government undertaking and that she worked as Glass Blower in that unit from 01.01.1986 to 30.10.1988 and on closure of that unit, she was shifted to Screen Printing unit where she worked as an Attender, Screen Print Worker, Sweeper and Helper, and that she was removed from service with effect from 05.10.1992. She states that the said order, was set aside by this Court, by an order passed in W.P. No. 5424 of 1992. The petitioner states that again when the respondents removed her from service with effect from 30.09.1996, she filed writ petition in W.P. No. 20876 of 1996 and the said writ petition was allowed, and in pursuance of the said order, she having been reinstated into service by the first respondent, is working as Attender till today. It is her further case that services of the persons who have joined in last grade service

in the first respondent-Corporation much after her, have been regularized, but her case has not been considered. In those circumstances, she filed writ petition in W.P. No. 12200 of 2000, and this court by order dated 08.12.2000 allowed the said writ petition. Against the said judgment, the first respondent-Corporation, carried the matter in appeal in W.A. No. 893 of 2001, and a Division Bench of this Court by judgment dated 26.09.2001, disposed of the same directing the first respondent-Corporation to consider the case of the petitioner afresh and pass appropriate orders in the light of the said judgment. It is the case of the petitioner that the first respondent-Corporation in pursuance of the said judgment, having considered her case, issued proceedings No.2696/WCFC/A2/ 2000, dated 28.05.2001 rejecting her case for regularization of her services. Assailing the said proceedings, and praying to regularize her services in the approved cadre strength and sanctioned posts, the petitioner filed the present writ petition, and more so when there is a post vacant, which has arisen out of the death of one Smt. Subhadramma.

The first respondent-Corporation filed counter affidavit on its behalf and on behalf of the second respondent *inter alia* putting the petitioner to strict proof of all the allegations made in the petition and it is stated that since there is no cadre strength fixed by the Government to the Corporation and since the petitioner did not fulfil the requirements of G.O. Ms. No.212, her case for regularization of her services was rejected, and though the petitioner claims that one Smt. P.Subhadramma, who was working with the 1st respondent as Sweeper died, and her case be considered in the vacancy that fell vacant consequent upon her death, the fact remains, she is working as a full time contingent Sweeper, and as there are no vacancies in the

Corporation in the last grade services, and since there are no sanctioned posts, the question of regularization of services of the petitioner does not arise.

Heard the learned counsel for the petitioner and the learned Government Pleader for Women & Child Welfare.

The case of the petitioner is that she is working as an Attender, Helper, Sweeper and Screen Print Worker in various units of first respondent-Corporation since 01.01.1986. It is her further case that the services of the persons who have joined in last grade service much after her, in the first respondent-Corporation, have been regularized, and that though a Division Bench of this Court in W.A. No. 893 of 2000, directed the first respondent-Corporation to consider her case for regularization, the first respondent issued proceedings dated 11.10.2001 rejecting her case for regularization of her services on the ground that there are no sanctioned posts in the Corporation.

When there are said to be no sanctioned posts and the cadre strength also said to have not been approved by the Government, no direction can be given to the first respondent-Corporation to regularize the services of the petitioner outside the cadre strength. However, since the petitioner is claiming that she has been working as Attender and in other sub-staff posts since more than 20 years continuously and is working as such till today, the remedy, if any, for her is to approach the competent Labour Court, and seek regularization, but certainly writ petition is not a remedy for her to seek regularization, and more so when disputed questions of fact are involved.

Therefore, the writ petition is dismissed and there shall be no order as to costs.

27-07-2006

Cvrk